

04-928 OREGON V. GUZEK

DECISION BELOW: 86 P.3d 1106 (OR 2004)

QUESTION PRESENTED

Does a capital defendant have a right under the Eighth and Fourteenth Amendments to the United States Constitution to offer evidence and argument in support of a residual-doubt claim - that is, that the jury in a penalty-phase proceeding should consider doubt about the defendant's guilt in deciding whether to impose the death penalty?

Cert. Granted 4/25/05